IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

RODOSVALDO POZO,

Petitioner,

v. ORDER
07-C-597-S

J. HUIBREGTSE, PETER HUIBREGTSE,
CAPT. GERBER, LT. BOISEN. SGT. HANKE,
CAPT. BROWN, OFFICER WETTER and
OFFICER SHERMAN,

Respondents.

The Court has received a certified copy of petitioner's trust fund account statement for the last six months. Pursuant to 28 U.S.C. § 1915(b)(1), as amended by the Prison Litigation Reform Act, effective April 26, 1996, a prisoner bringing a civil action shall be required to pay the full amount of the $350.00. The Court shall collect an initial partial filing fee of 20% of the greater of the average monthly deposits in the prisoner's account or the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the complaint.

According to the information that petitioner submitted, he had income of $46.30 in the six month time period immediately preceding the filing of the complaint, an average of $7.72 a month. Petitioner has the means to pay an initial partial filing fee of $1.54, 20% of this amount.

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Failure to pay this partial filing fee by November 21, 2007 may result in dismissal of this action for failure to prosecute. According to 28 U.S.C. § 1915(b)(2), after payment of the initial partial filing fee the institution's financial officer is authorized to deduct monthly payment from the petitioner's account until the $350.00 filing fee is paid in full.

ORDER

IT IS ORDERED that petitioner's request to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that he shall pay an initial partial filing fee of $1.54 by November 21, 2007 or this action may be dismissed for his failure to prosecute.

Entered this 31st day of October, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ
District Judge